



W.P.No.29375 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29375 of 2016
and W.M.P. No.25392 of 2016
and W.M.P. No.23852 of 2018

R.Ramesh Babu

...Petitioner

Vs.

1.State of Tamil Nadu rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
For St. George,
Chennai – 600 009.

2.The Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai – 15.

3.The District Collector,
Tiruvallur District,
Tiruvallur.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents herein to forthwith promote the petitioner herein notionally as Assistant, Extension Officer and Deputy Block Development Officer on par with his Junior Tmt.K.Bhavani and consequently re-



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fix the last drawn pay of the petitioner in the scale of pay applicable for the post of Deputy Block Development Officer and extend all monetary benefits including arrears of pay and difference in pension to the petitioner herein in accordance with law.

For Petitioner : Mrs.C.Nisha
for M/s.V.R.Rajasekaran

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents herein to forthwith promote the petitioner herein notionally as Assistant, Extension Officer and Deputy Block Development Officer on par with his Junior Tmt.K.Bhavani.

2.The petitioner seeks retrospective promotion for three cadres viz., Assistant, Extension Officer and Deputy Block Development Officer on par with his junior Tmt.K.Bhavani.

3.The fact remains that the writ petitioner was selected as Junior Assistant through Tamil Nadu Public Service Commission and allotted to Rural



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Development Department, Thiruvallur District. He was posted as Junior Assistant in Thiruthani Panchayat Union by the Collector, Kancheepuram District in his proceedings dated 05.01.1997. He joined duty on 09.01.1997 and stayed away from duty from the next day onwards i.e., 10.01.1997. The petitioner remained unauthorizedly absent for about 1318 days (ie., 3 years 223 days). However, a proposal was submitted to the TNPSC for clarification regarding reposting of the writ petitioner in any other post. Subsequently, the District Collector, Thiruvallur passed an order on 07.08.2000, reposting the writ petitioner with a condition that the seniority of the petitioner will be fixed only from the date of joining. Accordingly, the petitioner joined as Junior Assistant in Cholavaram Panchayat Union on 21.8.2000. Even thereafter, the petitioner stayed away from duty for a longer period i.e., more than one year and departmental disciplinary proceedings were initiated under Rule 17(b) of the Discipline and Appeal Rules.

4.The fact remains that the petitioner remained unauthorizedly absent for about 1318 days and he was allowed to rejoin the duty pursuant to the orders of the District Collector, Thiruvallur dated 07.08.2000, the orders stipulates condition regarding the seniority. Accordingly, the seniority of the writ petitioner



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was fixed from the date of his joining based on the reposting order dated 07.08.2000. The said order was not challenged by the writ petitioner during the relevant point of time. The petitioner retired from service in the year 2014 and filed the present writ petition after a lapse of two years from the date of retirement and therefore, this Court is of an opinion that the petitioner is not entitled for the relief as such sought for.

5. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

23.11.2022

Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No
ssr

To

1. The Secretary to Government,
State of Tamil Nadu
Rural Development and Panchayat Raj Department,
For St. George,
Chennai – 600 009.



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2.The Director,
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S.M.SUBRAMANIAM, J.

SSR

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